

302 KAR 10:110. Egg lot consolidation.

RELATES TO: KRS 260.610

STATUTORY AUTHORITY: KRS 260.610(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 260.610(4) authorizes the Commissioner of the Department of Agriculture to promulgate administrative regulations governing the requirements for lot consolidation registration and to assess a fee to defray the costs of the registration program. This administrative regulation establishes the materials required to be provided in an approved training course, completion of which will allow a registered consolidator or a person under the consolidator's supervision, to consolidate egg lots.

Section 1. Registration. (1) Training. A person may become registered to consolidate egg lots after having attended a training course approved by the department. Proof of attendance shall be submitted with the Egg Lot Consolidation Registration Form, Application for Registered Lot Consolidator.

(2) Registration Periods. The Egg Lot Consolidation Registration shall be valid for a period of two (2) years starting July 1 of the initial fiscal year of application and terminating June 30 of the second year. Registration forms submitted any time after July 1 of any year and prior to June 30 of any year shall be deemed to have been active for one (1) year at the next July 1st calendar year.

(3) Fee. The fee for the Egg Lot Consolidation Registration shall be twenty (20) dollars for the two (2) year registration period. The fee shall be included with the Egg Lot Consolidation Registration form when the form is submitted to the department. The form and fee shall be sent to the address listed on the form.

(4) Relation to Egg License. Registration shall be independent of any other license, and shall follow the individual.

(5) Registration refusal, revocation, or suspension shall follow the rules set forth in 302 KAR 10:040.

Section 2. Store Requirements for Consolidation. (1) Each store location wishing to consolidate egg lots shall maintain a physical copy of the registration document of the store's egg lot consolidator.

(2) Each store shall maintain an Egg Lot Consolidation Log form. This form shall be maintained by the store at the physical location the eggs were consolidated for a period not less than thirty (30) days past the last sell by date on the cartons consolidated. The form may be:

- (a) The Egg Lot Consolidation Log form provided by the department; or
- (b) A store created proprietary form containing the same name and the same required information as the department form.

Section 3. Consolidation. (1) Requirements. Eggs shall be consolidated in a manner consistent with training materials required by Section 4 of this administrative regulation. Each lot consolidation shall be documented using an Egg Lot Consolidation form. Registered egg lot consolidators shall work at one (1) physical store location only.

(2) Supervision. Supervision of consolidation activities by the egg lot consolidator is not required to be line of sight.

Section 4. Training Materials. (1) Training courses shall be approved by the department if the course teaches the following:

- (a) Law governing egg lot consolidation:

1. Same lot code;
2. Same source;
3. Same sell by date;
4. Same grade;
5. Same size; and
6. Same brand;

(b) Temperature requirements;

(c) Egg is a hazardous food (FDA Guidelines);

(d) Sanitation;

(e) No reusing dirty cartons (If no cartons available, eggs shall be destroyed);

(f) No repacking (changing identity);

(g) Registration requirements;

(h) Egg quality (USDA guidelines);

(i) Original packaging required, replacement cartons shall not be utilized; and

(j) Egg Lot Consolidation Log.

(2) Approval. Training materials and topics shall be submitted in writing to the department at least thirty (30) days prior to the proposed training date. Once approved, the approval shall continue unless material changes are made to the materials included.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Egg Lot Consolidation Registration Form", January 2015; and

(b) "Egg Lot Consolidation Log Form", January 2015.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Agriculture, Office of Agricultural Marketing and Product Promotion, 100 Fair Oaks, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material is also available on the department Web site at www.kyagr.com. (41 Ky.R. 1939; Am. 2090; eff. 5-1-2015.)